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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,414	04/15/2004	Timothy P. Scott	58316.0003	6480
7590	05/31/2005		EXAMINER	
DARYL W SCHNURR			MARSH, STEVEN M	
MILLER THOMSON			ART UNIT	PAPER NUMBER
P.O. BOX 578			3632	
22 FREDERICK ST SUITE 700			DATE MAILED: 05/31/2005	
KITCHENER, ON N2G 4A2				
CANADA				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/824,414	SCOTT, TIMOTHY P.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Steven M Marsh	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 March 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

This is the second office action for U.S. Application 10/824,414 for a Keyboard Arm filed by Timothy P. Scott on April 15, 2004.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant claims that the plate (brake) is a third pivot point, but page 3 of the specification describes the brake adjustably mounted at a third pivot point. It is not clear how the plate is a third pivot point.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 2 of claim 7 reads "said plate is a third pivot point".

However, it is not clear how the plate (or brake) is a pivot point. The claim is being examined to the best extent possible.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by West et al. West et al. discloses an articulating arm for keyboards that has a bracket (11), a pivot member (40 and 50), and a support (21). The bracket is pivotally mounted to a first end of the pivot member (40) at a first pivot point (58) and the support is pivotally mounted to a second end of the pivot member at a second pivot point (62). The pivot member has an arcuate surface (50 in relation to 40) extending from and attached to the first pivot point and the first pivot point has a first locked and unlocked position. The first locked and unlocked position is controlled by a brake (71) that is adjustably mounted to move into and out of locking contact with the arcuate surface, and the second pivot point has a second locked and unlocked position. The first pivot point has an infinite number of locking locations in a pre-determined range and the brake is a plate. The limitations toward the method for forming the shoe and brake do not limit their structure and therefore have no patentable significance.

The plate has a third pivot point (60), and has an extended and unextended position relative to the third pivot point. The plate can be in the extended position when the brake is in a locked position and an unextended position when the brake is in the

unlocked position. There is a link member (50) extending between the third and fourth pivot points and the link member is constructed to orient the support relative to the pivot member as the pivot member is oriented relative to the base. There are two arcuate surfaces (on each link 40 and 50) on the pivot member and two link members that interact with the brake. The support is constructed relative to the pivot members so that when the support is in a locked position relative to the pivot member, the pivot member and the bracket can be moved from a locked position to an unlocked position by manually tilting the support upward relative to the pivot member.

The first locked position is controlled by a first cable (81 or 82), and the second locked and unlocked position is controlled by a second cable (the other of 81 or 82). The brake has a spring (64) connected thereto to bias the brake to a locked position and the pivot member and the bracket can be moved from an unlocked position to a locked position by releasing the support while the support is in a locked position relative to the pivot member. The arcuate surface is mounted at a constant radius from the first pivot point and the constant radius is maintained as the arcuate surface pivots about the first pivot point (the attachment point at 58 doesn't change even when 40 is rotated). The brake is adjustably mounted at the third pivot point (60) and the brake has a smaller radius of rotation about the third pivot point, than a radius of rotation of the arcuate surface about the first pivot point (rotation around the third pivot point is limited by the attachment to the first pivot point). A path of the arcuate surface intersects with the path of the brake when the brake is in the extended position, and the paths of the arcuate

surface and brake generally correspond to one another within a pre-determined range. There are also multiple arcuate surfaces (52 on each side of 50, and 40).

### ***Response to Arguments***

Applicant's arguments filed March 11, 2005 have been fully considered but they are not persuasive. Applicant argues that West does not have a brake that is adjustably mounted to move into and out of locking contact with the arcuate surface (50). However, the brake disclosed by West does move into and out of locking contact with the arcuate surface (40), which is part of the pivot member (formed by 40 and 50).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

*SM*

Steven M. Marsh

May 24, 2005

*Ramon O. Ramirez*  
**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**